

REMARKS/ARGUMENTS

Claims 20-38 are pending in the application. Claims 20 and 38 are currently amended. The Examiner has offered rejections against Claims 20-38. The rejections are respectfully traversed.

The Examiner has rejected Claim 38 under 35 U.S.C. §112, second paragraph as being indefinite. Although the Applicant believes that with a reading of intervening Claim 22 that Claim 38 is very clear regarding the reference to opening and closing of receivers, the Applicant has amended the claim to clarify such in the interests of expediting examination.

The Examiner has rejected Claims 20-24 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,073,372 to List. The Applicant respectfully traverses the rejection. The Examiner has presented List as disclosing "an apparatus for handling articles between process stations . . . wherein said conveying device is disposed between at least two process stations". The Applicant believes that it is clear from independent Claim 20 that the intent of the claim is use of at least two processing stations at a processing area for processing and unloading and loading by the handling device, not one processing station and another one somewhere downstream on the conveying device. However, the Applicant has added an additional limitation showing at least one processing disposed on one side and another disposed on the opposite side of the conveying device from the first to further clarify that it is not referring to a "downstream" processing station unreachable by the disclosed handling device. Therefore, again, the Applicant respectfully disagrees with the Examiner's representation of the List patent as anticipatory of the present claims. List teaches instead an "apparatus for transporting containers to and from a working station" (See Abstract; Figures; Col. 1,

lines 35-40; Col. 3, lines 54-Col. 4 line 20; Claim 1.) List does not teach multiple processing stations which the conveying device is disposed between as set forth in Claim 20 of the present application, and therefore all the remaining dependent claims 21-38. Nor does it teach the concurrent use of these multiple stations, as loaded and unloaded by the at least one rotatable handling device as set forth in amended Claim 20. Claim 20, as amended, further prevents the Examiner's explanation that use of two rotatable devices (one presumably down the line) from being applicable. Therefore, all of the dependent claims also contain elements not present in List. As a result, the Applicant respectfully requests that the Examiner withdraw the rejections and place the claims in line for allowance.

The Examiner has rejected Claims 32-35 under 35 U.S.C. §103(a) as obvious over List in view of Toshima. The Applicant again respectfully traverses the rejections, and reasserts the arguments above for §102(b), showing that even with the combinations of the references cited, such combinations do not disclose the entire apparatus as claimed. Further, contrary to the Examiner's statements, there is no teaching or suggestion in either reference to combine the references. As a result, the Applicant respectfully requests that the Examiner withdraw the rejections and place the claims in line for allowance.

The Examiner has rejected Claims 25-32, 36 and 37 under 35 U.S.C. § 103(a) as obvious over List in view of Lynch. The Applicant again respectfully traverses the rejections, and reasserts the arguments above for §102(b), showing that even with the combinations of the references cited, such combinations do not disclose the entire apparatus as claimed. Further, contrary to the Examiner's statements, there is no teaching or suggestion in either reference to combine the references. As a result,

the Applicant respectfully requests that the Examiner withdraw the rejections and place the claims in line for allowance.

The Examiner has rejected Claim 38 under 35 U.S.C. (a) as obvious over List in view of Bacchi et al. The Applicant again respectfully traverses the rejection, and reasserts the arguments above for §102(b), showing that even with the combinations of the references cited, such combinations do not disclose the entire apparatus as claimed. Further, contrary to the Examiner's statements, there is no teaching or suggestion in either reference to combine the references. As a result, the Applicant respectfully requests that the Examiner withdraw the rejections and place the claims in line for allowance.

The Applicant has attempted to be fully responsive to the office action, and believes the claims should now be in line for allowance. However, if the Examiner feels that it would be helpful, he is welcomed to telephone the undersigned for discussion of the application.

Respectfully submitted,



Robert W. Becker, Reg. 26,255
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, New Mexico 87059

Telephone: 505 286 3511
Telefax: 505 286 3524

RWB:KCF:mac

Attachments